

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

FRANKLIN TURNER ISBELL, JR.,)	
)	
Plaintiff,)	
)	CASE NO.:
v.)	
)	NO. CV-06-BE-082-NW
CANAL BARGE COMPANY, INC., et al.,)	
)	
Defendants.)	

Memorandum Opinion

The case is before the court on the defendant's motion for partial summary judgment. (Doc. 8). The magistrate judge filed a report and recommendation on June 11, 2007, recommending that the defendant's motion for partial summary judgment be denied. The time for objections has expired and no objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are genuine issues of material fact and that the defendant is not entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be DENIED. An appropriate order will be entered.

DONE this the 16th day of July, 2007.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE